

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

In re: Benson, Michael Wayne)	
)	Case No.: 14-80771
Benson, Hannah Joy)	Chapter 13
Debtor(s))	

**MOTION TO DETERMINE MORTGAGE
FEES, EXPENSES AND CHARGES**

COME NOW the above named Debtors, and file this Motion to Determine Mortgage Fees, Expenses and Charges filed by **MidFirst Bank** on January 19, 2015, in the amount of \$735.00. In support thereof, Debtors would show to the Court:

1. The Debtors filed a Chapter 13 case on July 2, 2014. At the time of filing and at all times thereafter, the Debtors have remained current on their home mortgage payments with MidFirst Bank.
2. On September 11, 2014, the Amended Chapter 13 Plan was confirmed which provided that the home mortgage with MidFirst Bank would receive the regular monthly payments of \$287.54 outside the plan. In addition, the Debtors were to pay outside the plan a fee of \$106.73.
3. MidFirst Bank filed a "Notice of Postpetition Mortgage Fees, Expenses, and Charges" and charged \$650.00 to file a Proof of Claim, and \$85.00 for "title fees."
4. The charge of \$650.00 to file a Proof of Claim and \$85.00 for "title fees" are unreasonable charges in light of the fact that the Debtors have not defaulted on their home mortgage and have remained current.
5. The confirmed Chapter 13 Plan does not provide for the payment of the above-described fees.

WHEREFORE, Debtors pray that the above described "Notice of Post-Petition Mortgage Fees, Expenses and Charges" be disallowed.

/s/ Jimmy L. Veith

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